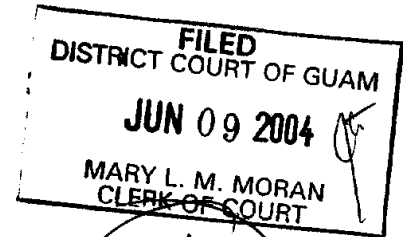


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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF GUAM
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14 FELIPE DATUIN, JEFF GUMATAOTAO)
15 and JAMES CRUZ,)

16 Plaintiffs,)

17 vs.)

18 LSG LUFTHANSA SERVICE GUAM, INC.,)
19 et al.)

20 Defendants.)
21

CIVIL CASE NO. 04-00010

22 NOTICE AND MOTION FOR AN ORDER
23 GRANTING DISMISSAL PURSUANT TO
24 FEDERAL RULE OF CIVIL PROCEDURE
25 12(b) AND CIVIL RULES 7.1(d)(2)(A) and
26 7.1(f) OF THE LOCAL RULES OF
27 PRACTICE FOR THE DISTRICT COURT OF
28 GUAM

22 PLEASE TAKE NOTICE that on _____ at ____ .m., Defendants LSG Lufthansa
23 Service Guam, Inc. and LSG Catering Guam, Inc. (collectively "LSG Guam"), by and through their
24 counsel, shall bring the following Motion for an Order Granting Dismissal Pursuant to Federal Rule
25 of Civil Procedure 12(b) and Civil Rules 7.1(d)(2)(A) and 7.1(f) of the Local Rules of Practice for
26 the District Court of Guam. LSG Guam states as follows:
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1 Papers not timely filed by a party including any memoranda or other papers required to be
2 filed under this rule will not be considered and such tardiness may be deemed by the Court as
3 consent to the granting or denial of the motion, as the case may be. LR 7.1(f) of the Local Rules of
4 Practice for the District Court of Guam. More than fifty-six (56) days have lapsed since LSG Guam
5 served upon the Plaintiffs its Motion to Dismiss for Failure to State a Claim and no opposition to
6 such motion has been filed, nor have the Plaintiffs filed a motion for leave of court for an expansion
7 of time. Because the Plaintiffs are tardy in filing an opposition in response to such motion and have
8 utterly failed to comply with Civil Rules 7.1(d)(2)(a) and 7.1(f) of the Local Rules of Practice for the
9 District Court of Guam, their non-opposition should be deemed a consent to LSG Guam's Motion to
10 Dismiss for Failure to State a Claim. LSG Guam now moves the Court for an order granting its
11 Motion to Dismiss for Failure to State a Claim filed on April 9, 2004.
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14 CONCLUSION

15 Based on the foregoing, LSG Guam respectfully requests that the Court grant its Motion for
16 an Order Granting Dismissal Pursuant to Federal Rule of Civil Procedure 12(b) and Civil Rules
17 7.1(d)(2)(A) and 7.1(f) of the Local Rules of Practice for District Court of Guam.
18

19 Dated: June 9, 2004

20 LIMTIACO CRUZ & SISON, PLLC

21 By: Alicia A. Limtiaco
22 ALICIA A. LIMTIACO, Esq.
23 Counsel for Defendants LSG Lufthansa Service
24 Guam, Inc. and LSG Catering Guam, Inc.

25 By: Alicia A. Limtiaco for
26 DONNA M. CRUZ, Esq.
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28 Guam, Inc. and LSG Catering Guam, Inc.